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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/085,137

03/01/2002

Yasushi Tanaka

HYAE:134

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04/02/2008

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EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

04/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/085,137 | <b>Applicant(s)</b><br>TANAKA ET AL. |  |
|                              | <b>Examiner</b><br>Andy S. Rao       | <b>Art Unit</b><br>2621              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-4,7,8,10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5,6,9 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Request For Reconsideration***

1. Applicant's arguments with respect to claims 5-6, 9 and 12 as filed on 12/31/07 have been considered but are not persuasive.
2. Claims 5-6, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Honma et al., (hereinafter referred to as "Honma"), as was set forth in the Office Action of 10/26/07.
3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honma in view of Kobayashi, as was set forth in the Office Action of 10/26/07.
4. The Applicant presents two substantive arguments contending the Examiner's rejection of claims 5-6, 9 under 35 U.S.C. 102(e) as being anticipated by Honma et al., (hereinafter referred to as "Honma") and of claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honma in view of Kobayashi, as was set forth in the Office Action of 12/26/07. However, after a careful consideration of the arguments presented, and further consideration of the applied references, the Examiner must respectfully disagree and maintain the grounds of rejection for the reasons that follow.

The Applicant argues that the primary Honma reference fails to disclose "...wherein said quantizer is for quantizing the frequency components up to the position indicated by the control signal in the predetermined scanning order..." limitation (Amendment of 12/31/07: page 2, lines 4-8) and buttressing the argument by positing that although Honma discloses the use of a quantizer, it fails to disclose the use of a quantizer in the embodiment as relied upon by the Examiner (Amendment of 12/31/07: page 2, lines 9-21; page 3, lines 1-2). The Examiner respectfully disagrees. It is noted that the embodiment relied upon by the Examiner (Honma:

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figure 17) discloses the use of coding circuits directly connected to the EOB detectors (Honma: column 21, lines 25-36: elements 803a-803d & 804a-804d, respectively). Although the reference doesn't explicitly go into detail as to nature of the constituent elements of the coding circuits, it is noted that they are set in such a manner that the information quantities differ from each other (Honma: column 21, lines 22-27). This is inherently ascribes both a quantizer and a variable length coder whose combined result allows the production of information quantities that differ (Honma: column 18, lines 45-65; column 20, lines 10-20). As such, the Examiner asserts that both coding functions are implemented within the coding circuit, but that since those features have already been discussed, they are not repeated with regards to the embodiment of figure 17, which is more concerned with the implementation of the EOB circuitry as Honma clearly discloses the interconnectivity of the various embodiments (Honma: column 17, lines 20-30; column 23, lines 25-30). There is even a more detailed version of the teaching that does that shows the direct connectivity of a quantizer with an EOB detector (Honma: column 24, lines 5-25). Accordingly, the Examiner maintains that the limitation is met.

In response to applicant's arguments against the references individually (Amendment of 12/31/07: page 3, lines 3-13) , one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In particular, since the Examiner has already shown that Honma address the quantizer and EOB connectivity, Kobayashi is not required to meet this limitation by itself, but addresses the feature with its combination with the primary reference.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao  
Primary Examiner  
Art Unit 2621

asr  
/Andy S. Rao/  
Primary Examiner, Art Unit 2621  
March 27, 2008